

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:

ALESSANDRO CIACCIO

and

TINA B. CIACCIO

Debtors

BRANCH BANKING AND TRUST COMPANY

Plaintiff,

v

ALESSANDRO CIACCIO

and

TINA B. CIACCIO

Defendants.

Case No.: 02-85541-SSM
Chapter 7

Adv. Proc. No.: 03-1059

**PLAINTIFF'S OBJECTIONS TO DEFENDANTS' SECOND SET OF
INTERROGATORIES TO PLAINTIFF**

Comes Now, Plaintiff, Branch Banking & Trust Company, by counsel, and pursuant to Fed. R. Civ. P. Rules 26 and 33 ("Rules") objects to Defendants' Second Set of Interrogatories on the grounds set forth below:

2. Explain with particularity the basis for the "RCO/SCO Comments" on the "NHR AlaRM REVIEW" dated 7/02 (attached hereto as Exhibit A), specifically the basis for the comment that

“quality, accuracy of financial are suspect in hindsight because loan was referred by Sana Joseph and apparently came from a broker.” Include in your response detailed descriptions of any other loans handled by Sana Joseph for which an NHR AlaRM REVIEW was generated.

OBJECTION:

Plaintiff objects to Interrogatory Number 2, specifically their request to include detailed descriptions of any other loans handled by Sana Joseph in that any other loans handled by Ms. Joseph are irrelevant, and not likely to lead to the discovery of admissible evidence. The issue in this case is whether the material provided to the Bank and upon which the Bank relied in support of Debtors’ Application was valid. Further, Defendants’ Interrogatory Number 2 is overly broad and unduly burdensome in that it requires BB&T to search all of the loans made by Ms. Joseph, which may number in the hundreds.

4. Identify with particularity all loans issued by BB&T that were generated by, referred by, or originated from Pine Tree Mortgage, Capital Home Funding, and/or Robert Lee from January 1997 through the present, including but not limited to loans made to D&M Trucking, and state the current status of those loans.

OBJECTION:

Plaintiff objects to Defendants’ Interrogatory Number 4 to the extent that it requests information regarding loans referred by or originated from Capital Home Funding, as it is irrelevant and not likely lead to the discovery of admissible evidence. The issue in this case is whether the material provided to the Bank and upon which the Bank relied in support of Debtors’ Application was valid. Plaintiff objects to this Interrogatory to the extent that it seeks confidential information about Plaintiff’s current and past customers.


Further, Plaintiff objects to Interrogatory Number 4 as it is unduly burdensome (if not impossible) to require BB&T to verify, on an application-by-application basis, from where each loan originated.

5. State whether or not BB&T currently accepts loan applications originated by Pine Tree Mortgage, Capital Home Funding, and/or Robert Lee and, if not, explain why.

OBJECTION:

Plaintiff objects to Defendants' Interrogatory Number 5 on the basis that the request seeks information that is irrelevant and not likely to lead to the discovery of admissible evidence. Whether or not Plaintiff currently accepts loan applications from various brokerage firms and/or brokers does not go to the issues raised within the adversary proceeding. This case involves the specific allegations made by Plaintiff pertaining to the loan made to Mediterraneo, Inc. and as guaranteed by the Debtors Alessandro Ciaccio and Tina B. Ciaccio.

BRANCH BANKING AND TRUST COMPANY
BY COUNSEL


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Objections to Defendants' Second Set of Interrogatories to Plaintiff was sent by mail, postage prepaid to:

Russell Adams
Chung & Press, P.C.
6723 Whittier Avenue
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McLean, Virginia 22101
703-734-0590

this 23rd day of May, 2003.


Jennifer L. Sarvadi